

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

**September 05, 2018**

MOTOR CARRIER MATTER

☐

DOCKET NO.

**2017-370-E**

UTILITIES MATTER

☒

ORDER NO.

**2018-608**

**THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.**

**SUBJECT:**

DOCKET NO. 2017-370-E - Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans - Staff Presents for Commission Consideration the Petition to Intervene Out of Time Filed on Behalf of Transcontinental Gas Pipe Line Company, LLC.

**COMMISSION ACTION:**

Move that we grant intervention to Transcontinental Gas Pipe Line Company, LLC.

Since Dominion Energy provides competing interstate pipeline services, Transco's contracts might well be subject to adverse effects as a consequence of the proposed merger and result in higher prices for SCE&G's customers. In this proceeding, I consider it appropriate for the Commission to have the opportunity to explore the nature and degree of Dominion's potential control after the merger (if approved), over SCE&G's distribution and transmission systems and SCE&G's supply decisions. Should there be the possibility of adverse effects on Transco and SCE&G's customers, I feel it would be better for the Commission to learn of them in this proceeding, rather than later, and to impose proper safeguards in advance, rather than seek remedies or redress after adverse effects have occurred.

Further, I think it is in the public interest that matters of this magnitude, which affect so many citizens of the State of South Carolina in such a significant way, be afforded the benefit of this Commission's broad discretion to allow intervention. The uniqueness and importance of the litigation in this combined docket is difficult to overstate. Similarly, the importance of ensuring full and robust due process for all stakeholders in such a proceeding is impossible to overstate. There are several metrics that instruct us as to what should constitute the minimum required qualifications for standing. The arguments made in opposition to allowing Transco to intervene have some merit. However, as recognized by the Office of Regulatory Staff at oral arguments, Transco has a unique interest which may not otherwise be wholly and properly represented during the proceeding. As such, I am not compelled to disallow intervention of such a party.

In short, Mr. Chairman, I think Transco ought to be allowed to represent its interests before us. In so doing, I think this Commission will have access to a unique source of information and perspective that might otherwise be absent. Once again, for a proceeding of this nature, the Commission must have access to as much relevant information as possible in order to make the most proper and judicially sound decisions.

However, there is the issue of the lateness of Transco's request for intervention, which, in spite of inquiries by this Commission, was never adequately explained. Nor was the initial vagueness of Transco regarding its stated interest in the proceedings, which required this Commission to provide the Company with several opportunities to explain itself beyond its initial sparsely-explained petition. The opportunity to provide Transco's perspective must not become a stumbling block to due process for all the other parties in this litigation, especially given the statutory instruction this Commission has

received regarding the compressed timeframe for hearing, decision and order.

Mr. Chairman, it is important that **all** of the many parties in these proceedings be afforded a fair and equitable position from which to litigate their case. In consideration of that, I would move that the procedural schedule not be altered to give Transco additional time to prepare discovery beyond that currently allowed in the procedural schedule, nor should additional time be allowed for its preparation of pre-filed testimony and exhibits beyond that which is currently allowed. The granting of Transco's untimely intervention request is not designed or intended to, nor shall it, create an undue burden upon existing parties to the litigation. This is a limited opportunity to provide useful information and perspective in furtherance of due process, and the expectation is that discovery will be conducted efficiently and expeditiously.

PRESIDING: Randall

SESSION: Special

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
ELAM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
ERVIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WILLIAMS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding

